



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0940

Introduced 2/2/2005, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-1-12 new
720 ILCS 5/16A-7

from Ch. 38, par. 16A-7

Amends the Illinois Municipal Code. Provides that a municipality may enact a retail theft ordinance for the retail theft of property with a value of \$500 or less. Requires that citations issued under the retail theft ordinance be adjudicated in a court of law. Prohibits adjudication of those citations in any administrative adjudication system of the municipality. Amends the Criminal Code of 1961 to apply the civil liabilities for the offense of retail theft to persons who violate a municipal retail theft ordinance. Effective immediately.

LRB094 04279 MKM 34304 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by adding
5 Section 11-1-12 as follows:

6 (65 ILCS 5/11-1-12 new)

7 Sec. 11-1-12. Local retail theft ordinance.

8 (a) The corporate authorities of a municipality may, by
9 ordinance, declare retail theft, as defined by the Criminal
10 Code of 1961, to be unlawful. The ordinance, however, shall not
11 apply to any individual who has previously been convicted of
12 any type of theft, robbery, armed robbery, burglary,
13 residential burglary, possession of burglary tools, or home
14 invasion, or in any case where the theft is of property with a
15 full retail value in excess of \$500.

16 (b) Citations issued for a violation of a retail theft
17 ordinance shall be adjudicated in a court of law and shall not
18 be subject to adjudication in any administrative adjudication
19 system of the municipality.

20 Section 10. The Criminal Code of 1961 is amended by
21 changing Section 16A-7 as follows:

22 (720 ILCS 5/16A-7) (from Ch. 38, par. 16A-7)

23 Sec. 16A-7. Civil Liability.

24 (a) A person who commits the offense of retail theft as
25 defined in Section 16A-3 paragraphs (a), (b), (c), or (h) of
26 this Code or Section 11-1-2 of the Illinois Municipal Code,
27 shall be civilly liable to the merchant of the merchandise in
28 an amount consisting of:

29 (i) actual damages equal to the full retail value of
30 the merchandise as defined herein; plus

1 (ii) an amount not less than \$100 nor more than \$1,000;
2 plus
3 (iii) attorney's fees and court costs.

4 (b) If a minor commits the offense of retail theft, the
5 parents or guardian of said minor shall be civilly liable as
6 provided in this Section; provided, however that a guardian
7 appointed pursuant to the Juvenile Court Act or the Juvenile
8 Court Act of 1987 shall not be liable under this Section. Total
9 recovery under this Section shall not exceed the maximum
10 recovery permitted under Section 5 of the "Parental
11 Responsibility Law", approved October 6, 1969, as now or
12 hereafter amended.

13 (c) A conviction or a plea of guilty to the offense of
14 retail theft is not a prerequisite to the bringing of a civil
15 suit hereunder.

16 (d) Judgments arising under this Section may be assigned.
17 (Source: P.A. 93-329, eff. 7-24-03.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.